

# **EXHIBIT B**

## **PART 4**

Mike

"Tim Hogan" <tjh@timhogan.com>

01/18/2008 01:22 PM

To: "Michael Baumann" <mbaumann@kirkland.com>

CC: "Erin Brady" <ebrady@kirkland.com>, "Richard Wynne" <rwynne@kirkland.com>

Subject: RE: Robert Kors' Admission

Mike:

Are you suggesting that you haven't communicated with them prior to threatening Rule 11 sanctions? Why not show me the declarations you would file that evidence why you are so sure there is no evidence to support the Second Amended Complaint.

Tim

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**Timothy J. Hogan**

Attorney at Law

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**From:** Michael Baumann [mailto:mbaumann@kirkland.com]

**Sent:** Friday, January 18, 2008 10:35 AM

**To:** Tim Hogan

**Cc:** Erin Brady; Richard Wynne

**Subject:** RE: Robert Kors' Admission

Tim:

Are you suggesting that any of these people will provide support for your allegations?

Mike

"Tim Hogan" <tjh@timhogan.com>

01/18/2008 10:48 AM

To: "Michael Baumann" <mbaumann@kirkland.com>  
CC: "Richard Wynne" <rwynne@kirkland.com>, "Erin Brady" <ebrady@kirkland.com>  
Subject: RE: Robert Kors' Admission

Mike:

Have you spoken with Lex Smith, Wes Ichida or Cheryl Brawley about this? Let me know.

Tim

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**From:** Michael Baumann [mailto:[mbaumann@kirkland.com](mailto:mbaumann@kirkland.com)]  
**Sent:** Friday, January 18, 2008 6:33 AM  
**To:** Tim Hogan  
**Cc:** Richard Wynne; [wayneberry@fcs2003.com](mailto:wayneberry@fcs2003.com); Erin Brady  
**Subject:** RE: Robert Kors' Admission

Tim:

I think you missed the point of my e mail. If you have evidence on which you based the allegation in the complaint that the Lynch, Ichida firm converted trust funds, please advise me what that is. If you have evidence that Mr. Kors or the PCT was involved or aware of the conversion or received such funds, please advise me what that evidence is. If you have evidence on which you base the allegation that Mr. Kors or the PCT paid Lynch Ichida to obtain some interest in the liens Lynch Ichida claims on Mr. Berry's recovery, please advise me what that is. If you have evidence on which you base the allegation that Mr. Kors or the PCT acted to cause process to be served on Mr. Berry in his divorce case, please advise me what that is. No point is served by withholding any such evidence and if, as I suspect, there is no evidence, both of our clients are better off if you withdraw the allegations and we avoid a dispute over sanctions. Absent a willingness on your part to disclose the basis for these claims or to withdraw the claims, you leave no choice other than to file a sanctions motion.

As to a protective order, we will consider an appropriate protective order. If there is particular information relevant to the issues above that you believe should be considered to avoid the sanctions fight, I am willing to receive the information subject to an understanding that I will not disclose or use it without your prior permission and if no protective order can be agreed to, I will return it to you.

Mike

"Tim Hogan" <[tjh@timhogan.com](mailto:tjh@timhogan.com)>

01/17/2008 04:04 PM

To: "Michael Baumann" <[mbaumann@kirkland.com](mailto:mbaumann@kirkland.com)>  
Cc: "Richard Wynne" <[rwynne@kirkland.com](mailto:rwynne@kirkland.com)>, <[wayneberry@fcs2003.com](mailto:wayneberry@fcs2003.com)>  
Subject: RE: Robert Kors' Admission

Mike:

We have and will continue comply with our obligations under Rule 26. I note that, consistent with past practice, none of your clients, that are regulated financial institutions, have retained any relevant materials though threatened with litigation.

I am preparing a letter to court to respond to your earlier letter that may address the issues you raise. If you submit another letter I will respond accordingly. For what it's worth the Kors' statement was raised months ago with Mr. Wynne and there is a fairly large amount of back and forth related to the issue. Why you again opened the door to its admissibility escapes me.

As to the disclosure issues, I have materials that were disclosed and I will produce but would request a protective order. I'd be happy to discuss that with you.

Tim

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